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4 Las Vegas, Nevada 89101  
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7 *Attorneys for Plaintiffs*  
8 *Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda*  
9 *Woods, Floppy Mop, Inc.,*

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 GENE COLLINS, an individual doing  
10 business as SOUTHERN NEVADA  
11 FLAGGERS & BARRICADES; SIX STAR  
12 CLEANING & CARPET SERVICE, INC., a  
13 Nevada corporation; YOLANDA WOODS,  
14 an individual doing business as STEP BY  
15 STEP CLEANING SERVICE INC.,  
16 FLOPPY MOP, INC., a Nevada corporation,  
17 BLUE CHIP ENTERPRISES, INC. a  
18 Nevada corporation, DOES I through X; and  
19 ROE ENTITIES I through X,

20 Plaintiffs,

21 vs.

22 LABORERS INTERNATIONAL UNION  
23 OF NORTH AMERICA LOCAL NO. 872;  
24 LABORERS INTERNATIONAL UNION  
25 OF NORTH AMERICA LOCAL NO. 702;  
26 TOMMY WHITE, an individual; DOES I  
27 through X; and ROE ENTITIES I through  
28 X,

Defendants.

CASE NO. 2:11-cv-00524-LDG-DJA

**MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD**

24 COMES NOW Leo P. Flangas, Esq. of the Flangas Law Firm, LTD (the "Firm"), and pursuant  
25 to Local Rule IA 11-6 and Nevada Rule of Professional Conduct 1.16, moves to withdraw as attorney  
26 for Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, and Floppy

1 Mop, Inc.<sup>1</sup> (collectively “Plaintiffs”). This motion is made and based upon the points and authorities  
2 and the Declaration of Leo P. Flangas, attached hereto as Exhibit A, and such argument and evidence  
3 as may be presented at any hearing on this motion.

4 Gene Collins’ last known address is: Gene Collins, Southern Nevada Flaggers and Barricades,  
5 1101 Eleanor Avenue, Las Vegas, Nevada 89106-2404.

6 Six Star Cleaning & Carpet Service, Inc.’s last known address is: Six Star Cleaning & Carpet,  
7 Inc., 1525 East Sunset Road, Suite 4, Las Vegas, Nevada 89119.

8 Yolanda Woods’ last known address is: Yolanda Woods, Step by Step Cleaning Service, Inc.,  
9 5654 Clarendon Lane, North Las Vegas, Nevada 89081.

10 Floppy Mop, Inc.’s last known address is: Floppy Mop, Inc., 6130 West Flamingo Road Suite  
11 Number 434, Las Vegas, Nevada 89103.

12 Dated: September 4, 2020.

13  
14 FLANGAS LAW FIRM, LTD.

15  
16 /s/ Leo P. Flangas  
17 Leo P. Flangas, Esq.  
18 Nevada Bar No.: 5367  
19 600 S. Third Street  
20 Las Vegas, NV 89101  
21 *Attorney for Plaintiffs*  
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28 <sup>1</sup> Neither Mr. Flangas nor the Firm was engaged to represent Blue Chip Enterprises, Inc. and Blue Chip did not appear in the arbitration proceedings.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. THIS COURT SHOULD GRANT THIS MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR PLAINTIFFS.**

**a. Nevada Rule of Professional Conduct 1.16**

As set forth in the Declaration of Leo P. Flangas (“Flangas Declaration”), on or about July DATE, 2020, the Firm advised Plaintiffs of its intent to withdraw as counsel, pursuant to the retainer agreement each of the Plaintiffs entered into. The Firm has good cause to withdraw as counsel under Nevada Rules of Professional Conduct (“NRPC”) 1.16, which provides, in pertinent part, a lawyer may withdraw from representation where:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

...

(6) The representation will result in unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by client; or

(7) Other good cause exists for withdrawal.

NRPC 1.16(b).

The Firm was engaged to represent the Plaintiffs in the arbitration proceeding before Mr. Dennis Kist. That proceeding is now concluded, with Plaintiffs receiving Mr. Kist’s Decision on June 16, 2020.

Further, continued representation of Plaintiffs is financially untenable due to amount of time needed to pursue an appeal of the arbitration decision and the fact that the fee arrangement does not provide that the Plaintiff’s pay for the firm services but rather it is contingent in nature. . The work to date was taken on a contingency basis. This Firm simply does not have the resources to continue to represent Plaintiffs, which would create an unreasonable financial burden on the Firm.

The withdrawal can be accomplished without adverse effect on the interests of the client because the Firm’s withdrawal will not delay proceedings in this matter. Plaintiffs have indicated that they would like to apply/move to vacate the arbitration decision. They have been advised that if they decide to do so, their application/motion would be due no later than September 16, 2020. Flangas Decl.

¶ 10. Therefore, good cause exists and the Firm's, and Mr. Flangas's, withdrawal should be granted.

**b. Local Rule IA 11-6**

The court will grant a withdrawal of counsel if there is proper notice and no delay in the case. Pursuant to Local Rule 1A 10-6 (a) "no attorney may withdraw after appearing in a case except by leave of Court." The court can only grant the leave if a proper notice has been served on "the affected client and opposing counsel." Id. The court will not grant an order withdrawing if the withdrawal will delay discovery, trial, or a hearing in the case. LR IA 10-6(e).

Here, Plaintiffs have received notice that pursuant to the retainer agreement, this Firm will be moving to withdraw from this matter. Flangas Decl. ¶ 9. Opposing counsel in this case will receive notice of this Motion to Withdraw via the CM/ECF system, pursuant to the certificate of service attached herein.

Further, no delay will occur from this Firm's withdrawal. The only upcoming item in this matter is the three-month deadline to apply/move to vacate the arbitration award, of which Plaintiffs have already been advised. 9 U.S.C. 12. Withdrawal will not prejudice either party or delay any proceeding in this matter.

Movant has shown that proper notice has or will be given to all relevant parties and that the withdrawal will not cause prejudice or delay in any proceedings in this matter. As such, the Court should grant the Motion and Order this Firm, and Mr. Flangas, as withdrawn as counsel on record for the case at bar.

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**II. CONCLUSION**

It is respectfully requested that this Court enter an order approving the Firm's and Mr. Flangas's withdrawal as attorney for Plaintiffs.

Dated: September 4, 2020

FLANGAS LAW FIRM, LTD.

/s/ Leo P. Flangas  
Leo P. Flangas, Esq.  
Nevada Bar No.: 5367  
600 S. Third Street  
Las Vegas, NV 89101  
*Attorney for Plaintiffs*

1 LEO P. FLANGAS  
2 Nevada Bar No: 5637  
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7 **UNITED STATES DISTRICT COURT**  
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26 TOMMY WHITE, an individual; DOES I  
27 through X; and ROE ENTITIES I through  
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Defendants.

CASE NO. 2:11-cv-00524-LDG-DJA

**DECLARATION OF LEO P. FLANGAS,  
ESQ. IN SUPPORT OF MOTION TO  
WITHDRAW AS ATTORNEY OF  
RECORD**

LEO P. FLANGAS hereby deposes and states under the penalty of perjury:

1. I am an attorney licensed to practice law in the State of Nevada and in front of the Federal District Court for the District of Nevada and am an attorney at the Flangas Law Firm, LTD (the "Firm"), representing Plaintiffs, except for Blue Chip Enterprises, Inc. ("Blue Chip"), in

1 the above-captioned matter. When referring to “Plaintiffs” in this declaration, it does not  
2 include Blue Chip.

3 2. I have personal knowledge of the facts stated in this declaration, except as otherwise indicated,  
4 and I am competent to so testify. If called upon to testify, I could and would competently testify  
5 to the facts set forth herein.

6 3. This declaration is submitted in support of the Motion to Withdraw as Attorneys of Record.

7 4. I entered an appearance for Plaintiffs in this case on April 29, 2019.

8 5. Plaintiffs, and each of them except Blue Chip, entered into a Legal Representation Agreement  
9 with the Firm as to this matter on or about April 10, 2019, and the Firm has represented  
10 Plaintiffs in this action pursuant to its terms.

11 6. The Legal Representation Agreement (the “Agreement”) provides that this firm would  
12 represent Plaintiffs in the arbitration proceeding regarding Plaintiffs’ 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> causes of  
13 action before Mr. Kist.

14 7. This Firm received the arbitrator’s decision on June 16, 2020.

15 8. I informed Plaintiffs on or about July 12, 2020, that the firm could not continue to represent  
16 Plaintiffs past the scope of the Agreement.

17 9. The Firm explained to the Plaintiffs that the Plaintiffs have three months from the date of  
18 receipt of the arbitration decision to apply/move to have the arbitration award vacated, which  
19 in this case would be on or before September 16, 2020.

20 10. The Firm has performed its obligations as counsel for Plaintiffs in a skillful and diligent manner  
21 and has fulfilled its obligations pursuant to the scope of the Agreement.

22 11. Continued representation under its contingency arrangement will place an unreasonable  
23 financial burden on the Firm as the Firm is downsizing due to the continued disruption caused  
24 by the Coronavirus Pandemic.

25 12. The Firm and Plaintiffs have maintained a working relationship, absent strife, throughout the  
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proceedings. As such, the present motion is not the result of any differences between the Firm and Plaintiffs, but instead is a result of the termination of the limited scope of the Agreement.

13. Gene Collins' last known address is: Gene Collins, Southern Nevada Flaggers and Barricades, 1101 Eleanor Avenue, Las Vegas, Nevada 89106-2404.

14. Six Star Cleaning & Carpet Service, Inc.'s last known address is: Six Star Cleaning & Carpet, Inc., 1525 East Sunset Road, Suite 4, Las Vegas, Nevada 89119.

15. Yolanda Woods' last known address is: Yolanda Woods, Step by Step Cleaning Service, Inc., 5654 Clarendon Lane, North Las Vegas, Nevada 89081.

16. Floppy Mop, Inc.'s last known address is: Floppy Mop, Inc., 6130 West Flamingo Road, Suite Number 434, Las Vegas, Nevada 89103.

Dated this 4<sup>th</sup> day of September 2020.

/s/ Leo P. Flangas  
Leo. P. Flangas

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of September 2020, I served the foregoing MOTION TO WITHDRAW AS ATTORNEYS OF RECORD by causing it to be served via the Court's CMECF system, addressed as follows:

Kristina L. Hillman, Esq.  
Law Offices of Kristina L. Hillman  
729 Evans Avenue  
Reno, NV 89512  
Telephone (775) 770-4832  
Facsimile (775) 324-5444  
[KHillman@unioncounsel.net](mailto:KHillman@unioncounsel.net)

I further certify that on this date, I served through electronic mail and deposited for mailing a true copy of the foregoing **MOTION TO WITHDRAW AS ATTORNEYS OF RECORD**, addressed as follows:

Gene Collins  
Southern Nevada Flaggers & Barricades  
1101 Eleanor Avenue  
Las Vegas, Nevada 89106-2404

Six Star Cleaning & Carpet Services, Inc.  
1525 East Sunset Road, Suite 4  
Las Vegas, Nevada 89119

Yolanda Woods  
Step by Step Cleaning Service, Inc.  
5654 Clarendon Lane,  
North Las Vegas, Nevada 89081

Floppy Mop, Inc.  
6130 West Flamingo Road  
Suite Number 434  
Las Vegas, Nevada 89103

/s/ Natasha Smith  
**FOR THE FIRM**